

FORM PTO-1390  
(REV 10-2000)

DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

FRR-12655

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

09/936277

INTERNATIONAL APPLICATION NO.  
PCT/CH00/00040INTERNATIONAL FILING DATE  
28 January 2000PRIORITY DATE CLAIMED  
11 March 1999TITLE OF INVENTION  
ACTIVE ELECTRO-OPTIC FILTERING DEVICE AND METHOD FOR OPERATING SAMEAPPLICANT(S) FOR DO/EO/US  
KELLER, Leo; ACKERMANN, Emil

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4. ☒ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
- a. ☐ is attached hereto (required only if not communicated by the International Bureau).
- b. ☒ has been communicated by the International Bureau.
- c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
- ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
- a. ☐ are attached hereto (required only if not communicated by the International Bureau).
- b. ☐ have been communicated by the International Bureau.
- c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
- d. ☒ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- ☒ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 16 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
- ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☒ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:

Copy of International Preliminary Examination Report.  
Copy of International Search Report.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.

ATTORNEY'S DOCKET NUMBER

09/9362

PCT/CH00/00040

FRR-12655

- 17.
- ☒
- The following fees are submitted:

**BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5) ) :**

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO ..... **\$1000.00**

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO ..... **\$860.00**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but  
international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... **\$710.00**

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... **\$690.00**

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... **\$100.00**

**ENTER APPROPRIATE BASIC FEE AMOUNT =****CALCULATIONS PTO USE ONLY**

\$ 860.00

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 0.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	7 - 20 =	0	X \$18.00
Independent claims	1 - 3 =	0	X \$80.00

\$ 0.00

\$ 0.00

MULTIPLE DEPENDENT CLAIM(S) (if applicable)

+ \$270.00

\$ 0.00

**TOTAL OF ABOVE CALCULATIONS =**

\$ 860.00

- ☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above  
are reduced by 1/2.

\$

**SUBTOTAL =**

\$ 860.00

Processing fee of **\$130.00** for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$ 0.00

**TOTAL NATIONAL FEE =**

\$ 860.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). **\$40.00** per property +

\$ 0.00

**TOTAL FEES ENCLOSED =**

\$ 860.00

Amount to be

refunded:

\$

charged:

\$

- a. ☒ A check in the amount of \$ 860.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 18-0160 in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 18-0160. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

Customer No. 007609  
Rankin, Hill, Porter & Clark LLP  
700 Huntington Building  
925 Euclid Avenue  
Cleveland, Ohio 44115-1405

SIGNATURE:

David E. Spaw

NAME

34732

REGISTRATION NUMBER

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Leo Keller and Emil Ackermann  
Serial No.: N/A  
Filed: Herewith  
International  
Application No.: PCT/CH00/00040  
International  
Filing Date: January 28, 2000  
Title: ACTIVE ELECTRO-OPTIC FILTERING DEVICE AND METHOD  
FOR OPERATING SAME  
Docket No.: FRR-12655

SUBSTITUTE SPECIFICATION  
(Filed under §1.125(b))

Assistant Commissioner for Patents  
Washington, D.C. 20231


Sir:

Enclosed herewith is a substitute specification for filing in the above-identified application. The undersigned hereby certifies that the substitute specification includes no new matter. A marked-up copy of the substitute specification showing the matter being added to and the matter being deleted from the specification of record is also included.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. FRR-12655.

Respectfully submitted,

RANKIN, HILL, PORTER & CLARK LLP

By:   
David E. Spaw, Reg. No. 34732

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09/936277 "091001"